



USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 9/18/12
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September 7, 2012

The Honorable Harold Baer, Jr.  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 2230  
New York, NY 10007

**VIA FACSIMILE**

Re: *American Civil Liberties Union Foundation v. U.S. Department of Justice*, 12 Civ. 4093 (HB)

Dear Judge Baer:

Plaintiff American Civil Liberties Union filed this case to obtain records from defendant Department of Justice pursuant to the Freedom of Information Act. The parties stipulated a schedule, signed by Your Honor on July 31, for defendant's production of documents responsive to plaintiff's request. Defendant completed its production pursuant to that schedule on August 30.

Plaintiff does not intend to challenge defendant's production or compliance with the July 31 Stipulation and Order. Pursuant to 5 U.S.C. § 552(a)(4)(E), plaintiff intends to seek attorneys' fees and costs associated with this litigation. On behalf of both parties, the ACLU respectfully requests that the Court indefinitely postpone the status conference currently scheduled for September 20, 2012 and hold this matter in abeyance until December 1, 2012, to allow counsel an opportunity to resolve this final remaining issue. If the parties resolve plaintiff's claim for fees and costs, the parties will at that time submit a stipulation and order of dismissal. Should the parties be unable to resolve this issue, the parties propose to notify the Court by letter no later than December 1.

Sincerely,

Catherine Crump  
American Civil Liberties Union

SO ORDERED:

cc: Tomoko Onozawa, AUSA

Harold Baer, Jr., U.S. J.

Date: Sept. 17, 2012

Adjournment granted but  
PTC scheduled on Oct. 25, 2012  
at 4:30 p.m.

AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION  
NATIONAL OFFICE  
125 BROAD STREET, 18TH FL.  
NEW YORK, NY 10038-2403  
T/212.669.2100  
WWW.ACLU.ORG

SUSAN N. BERMAN  
PRESIDENT

ANTHONY D. ROMERO  
EXECUTIVE DIRECTOR

AMERICAN CIVIL  
LIBERTIES UNION FOUNDATION  
NATIONAL OFFICE  
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